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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/072,390

02/05/2002

Huy Nguyen

P000045/2299P

4894

7590

04/06/2005

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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/072,390

Applicant(s)

NGUYEN ET AL.

Examiner

Brian A Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,11 and 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**EXAMINER'S RESPONSE****Status of Application**

In response to the applicant's amendment received on 9/24/04. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1,4-8,11,13-22 are unpatentable for the reasons set forth in this office action:

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 13 and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Support could not be found in the specification as originally filed, for the newly claimed subject matter that the control function is determined based only on the activated buttons. Support could not be found in the specification as originally filed, for the newly claimed subject matter that a graphical user interface is not necessary. The applicant argues that since there is no graphical user interface disclosed there is support for claiming that one is not necessary. This argument

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is not convincing. If an electronic device were disclosed yet the power supply to power the device were not mentioned in the specification, then there is no positive disclosure for future claiming the device is batteryless. The mere omission of an element is insufficient for support that the element is not necessary or not desired. Furthermore, the disclosure does describe a typical PC used in the system. Typical PCs use a graphical user interface; hence the applicant's disclosure supports just the opposite, that a graphical user interface is necessary.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1,4,14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (5675390) and Tsurumoto (4817203).

Schindler '390 shows a system for remotely controlling an AV device within a PC where the buttons on the remote control are mapped to predetermined key codes and upon receiving a signal from a remote control the signal is translated to control the operations of AV devices coupled to the PC. See col. 18 lines 30+. Because the translation of signals to control codes occurs by mapping the received signal to known (stored) codes in the PC, it can be considered utilizing a look-up table to provide the associations regardless of the

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name of the board which does the translations. Such a translation inherently requires a program running in the PC in order to operate. Schindler discusses that the circuitry can equivalently exist inside a set top box or a television itself, see the paragraph bridging col. 20 and 21. Figure 14c shows DVD and DVR functions.

In an analogous art, Tsurumoto shows translating received data signals into particular control functions utilizing a look up table and controlling operation of A/V devices. See col. 1 lines 34-45 and col. 1 line 60 to col. 2 line 7, col. 2 lines 33-45, col. 3 lines 36-52 and lines 60-68. Tsurumoto translates these codes based upon a second user input selection, namely a slide switch 21, which is mounted on the remote controller. Tsurumoto shows a single remote controller operating a plurality of devices with out the use of a graphical user interface. This aids in simplifying the operation of the system since it reduces the labor for operating plural devices and permits the operation of plural A/V devices using a single remote controller.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the universal concepts to translate and command plural A/V devices as suggested by Tsurumoto in the Schindler system since such would permits the operation of plural A/V devices using a single remote controller.

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3. Claims 5-8,11,13,19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (5675390) and Tsurumoto (4817203) as applied to claims 1,4,14-18 above, and further in view of Bauersachs (2004/0025189).

In an analogous art, Bauersachs shows a connector to receive the remote control signals, where the connector is a tuner box that receives IR signals. See paragraph 105. This allows the use of the OEM remote control and OEM remote control codes that are subsequently converted to be used in the present system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a tuner box as the receiver of the IR remote control signals to enable the use of the OEM remote control in the above discussed system.

### ***Response to Arguments***

Applicant's arguments filed 2/24/05 have been fully considered but they are not persuasive.

The applicant argues that Schindler does not access a look up table having a plurality of mappings between each of the data signals from a single control device and an appropriate control function for each of the AV devices. Schindler teaches the mapping of the keys to operate one of a plurality of functions (programs). Tsurumoto teaches the use of a single remote controller to control a plurality of devices. The applicant argues that Tsurumoto can only operate a single device. While it is true that one of the Tsurumoto's disclosed embodiments can only operate a single device at a time, the remote controller

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can operate all of the connected devices and the code converter is used as a table to convert the signals from the remote controller to control the 'selected' device. In discussing Tsurumoto (page 12 of the 2/24/05 response), the applicant points to figure 3, however there is no figure 3 and as pointed out by the examiner, figure 2 shows a slide switch on a single remote controller to select the device to operate and a plurality of keys 20 to select the function to make the device operate. Tsurumoto uses a code converter (similar to the mapping table of Schindler) to map the input function to the send a signal to the device selected by input controller 18. In the prior art Tsurumoto teaches that the selection of the device can be done at the remote controller using a slide switch 21.

The applicant continually argues that this reference or that reference teaches away from the invention because it does not include the specific element, which the applicant is discussing. This is a misinterpretation of the 'teaching away' case law. The reference can only be considered to teach away if it explicitly states that such an element cannot be used.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 571-272-3068. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Brian A. Zimmerman', with a stylized flourish extending to the right.

Brian A Zimmerman  
Primary Examiner  
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BAZ